

REMARKS

Claims 1-3, 5-12, and 14-17 remain in this application. Claims 4 and 13 have been cancelled herein. Claims 1-3, 5-7, 9, 11, 12, and 14-16 have been amended. By these amendments, no new matter has been added. Reconsideration and review of the application is respectfully requested.

Before addressing the merits of the grounds of rejection, Applicant provides the following brief description of the invention. The claimed invention generally relates to a method and apparatus for implementing a virtual marketplace wherein virtual properties can be purchased, sold, traded, or accessed by users. More specifically, the invention provides a method for allowing a user to purchase and/or transfer (e.g., sell or trade) ownership of virtual property in a computer network, wherein the virtual property can be accessed and used on the computer network by the property owner, but cannot be downloaded and possessed by the property owner. For example, in the context of multi-player video/computer games managed by a server operating on the Internet, players can create a persona or character having certain characteristics and capabilities. Players can also obtain certain virtual properties (e.g., keys, weapons, etc.) in the course of the game. The present invention provides a marketplace for such virtual properties, and hence a way to transfer ownership and use of such virtual properties. The sale or trade of virtual property can be a simple transaction, such as transferring the proof of ownership codes to the buyer, or it can be a more elaborate transaction involving the registration of such transfer with a centralized database on the computer network.

The Examiner rejected Claims 1-5, 8-14, and 17 under 35 U.S.C. § 102(e) as being anticipated by Oliphant et al. (US 2001/0025256 A1). The Examiner asserts that Oliphant et al. discloses a method and computer-implemented system for managing virtual properties (¶ 0008), wherein an inventory of virtual property is maintained in a centralized database accessible by a user via network connection (¶¶ 0014, 0028), and

wherein ownership of said virtual properties is managed in said centralized database (§ 0036). The Examiner also asserts that the description in Oliphant et al. regarding the “streaming the work to the user location” discloses the limitation regarding a property owner being allowed use but not possession of digital copies of said virtual properties (§ 0072).

Applicant traverses these rejections and the Examiner’s characterization of the cited reference. A closer examination of Oliphant et al. reveals fundamental differences between the method and system for accessing electronic works in Oliphant et al. and the method for managing virtual properties recited in Claim 1. Oliphant et al. disclose a method and system for providing integrated access to electronic works stored at a plurality of locations such that they are accessible from any networked location (§ 0008), and for verifying that a user is authorized to access such electronic works (§ 0036). The electronic works in Oliphant et al. can be “delivered by downloading or uploading the work to the user location 180, streaming the work to the user location 180, or any other means of electronic discovery.” § 0072.

The method and system disclosed in Oliphant et al. allow a user to integrate and manage his/her access to electronic works, but does not disclose a way to purchase and/or transfer ownership rights in the electronic works. In contrast, the method recited in Claim 1 goes beyond providing access to electronic works and allows users to obtain ownership rights in digital and electronic works, so that the users become property owners of virtual properties that exist solely in a virtual form within a computer network. Similarly, the computer-implemented system for managing virtual properties, recited in Claim 9, provides an application program to provide the functions of “maintaining an inventory of virtual properties in a centralized database” and “allowing property users to transfer ownership of their respective virtual properties.”

With respect to Claims 1 and 9, the property owners can transfer ownership of their respective virtual properties within the computer network, which is not disclosed by any of the prior art references cited by the Examiner. For example, in one embodiment,

a property owner can sell his/her virtual property to a buyer, or trade the virtual property for another virtual property. In another embodiment, the property owner can win one of the virtual properties from another property owner in the course of playing a multi-player video/computer game on the Internet.

Claims 2, 3, 5, and 8, which depend from Claim 1, are deemed patentable for the same reasons stated above with respect to Claim 1, and because of the additional limitations set forth therein. Claims 10-12, 14, and 17, which depend from Claim 9, are deemed patentable for the same reasons stated above with respect to Claim 9, and because of the additional limitations set forth therein. Accordingly, Applicant requests that the rejection of Claims 1-3, 5, 8-12, 14, and 17 be withdrawn.

The Examiner rejected Claims 6, 7, 15, and 16 under 35 U.S.C. § 103(a) as being unpatentable over Oliphant et al. in view of Martinez et al. (WO 98/47091). Claims 6 and 7, which depend from Claim 1, are patentable for the reasons stated above with respect to Claim 1, and because of the additional limitations set forth therein. Claims 15 and 16, which depend from Claim 9, are patentable for the reasons stated above with respect to Claim 9, and because of the additional limitations set forth therein. Accordingly, Applicant requests that the rejection of Claims 6, 7, 15, and 16 be withdrawn.

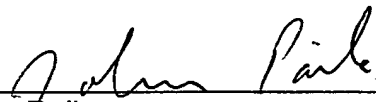
In view of the foregoing, the Applicant respectfully submits that Claims 1-3, 5-12, and 14-17 are in condition for allowance. Reconsideration and withdrawal of the rejections is respectfully requested, and a timely Notice of Allowability is solicited. If it would be helpful to placing this application in condition for allowance, the Applicant encourages the Examiner to contact the undersigned counsel and conduct a telephonic interview.

Serial No. 09/837,852
August 3, 2005
Page 9

To the extent necessary, Applicant petitions the Commissioner for a three-month extension of time, extending to August 8, 2005, the period for response to the Office Action dated February 8, 2005. Our checks in the amount of \$510.00 is enclosed for the three-month extension of time pursuant to 37 CFR §1.17(a)(3) and \$395.00 for request for continued examination (RCE) pursuant to 37 CFR § 1.17(e). The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0639.

Respectfully submitted,

Date: August 3, 2005



John Paik
Attorney for Applicant
Registration No. 54,355

O'MELVENY & MYERS LLP
400 South Hope Street
Los Angeles, CA 90071-2899
Telephone: (213) 430-6000